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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,697	06/04/2001	Shinji Yoko	024607-5002	9086
9629 7590 10/06/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
BOYCE, ANDRE D				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/871,697

Applicant(s)

YOKO ET AL.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed June 4, 2008. Claims 24, 25, 30 and 31 have been amended. Claims 24-35 are pending.
2. Applicant's arguments filed June 4, 2008 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403), in view of Selling by Objective (May 1984).

As per claim 30, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what

each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and arbitrarily selecting any one or more from said four axes simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum, meets and exceeds data, figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (§§ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, §§ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (§ 20).

As per claim 31, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the

relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and arbitrarily selecting any one or more from said four axes simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum, meets and exceeds data, figure 1), and managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said

actual performance, sorted by at least one threshold having at least one step, and displaying them on the local or remote terminal (i.e., each measure is tracked, wherein the current is compared to minimum, meets and exceeds, so executives can quickly track the issues, column 6, lines 47-50 and figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (§ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, §§ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (§ 20).

As per claim 32, Cardwell et al disclose the step of managing a sales achievement further comprises; changing a display style of said initial target and/or said actual performance based on said comparison and displaying them on the local and/or remote terminal (i.e., financial performance results, including current, minimum, meets, and exceeds, Example A and figure 1).

As per claim 33, neither Cardwell et al nor SBO explicitly disclose said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and managing progress by displaying the said actual performance based on the said progress code and/or any one of said four axes on the local and/or remote terminal. However, this terminology is old and well known in project management, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed' in Cardwell et al, as an effective means of determining performance status.

As per claims 34 and 35, Cardwell et al disclose altering said initial target based on said actual performance and/or business trend (i.e., executive can view the organizational chart and decide to change one of the business priorities, column 12, lines 33-41).

Claims 24-29 are rejected based upon the rejection of claims 30-35, respectively, since they are the system claims corresponding to the method claims.

Response to Arguments

5. In the Remarks, Applicant argues that Cardwell et al in view of SBO fails to prompt a person of ordinary skill in the relevant field to combine the elements of the prior art in the way the claimed invention does in amended claims 24, 25, 30, and 31. The Examiner respectfully disagrees. First, Cardwell et al discloses arbitrarily

selecting any one or more from said four axes simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum, meets and exceeds data, figure 1), thus indeed disclosing Applicant's amended claim language. In addition, Cardwell et al in view of SBO is merely a combination of prior art elements according to known methods to yield predictable results.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
October 1, 2008